

REMARKS

Claims 1-32 are pending in the present patent application. Claims 1-32 were rejected under 35 USC §103(a) as being unpatentable over Sellers, et al., in view of Chene, et al. Sellers, et al., was discussed extensively in the previous response and said discussion is hereby incorporated as if fully set forth herein. The invention as claimed is for a trucking service to measure or determine whether a new business improvement is working, and if so, how well. The process for making this determination is via a wireless system that sends sensor data from sensors disposed on the trucks and inputs from the truck drivers, which are sent to a base station for storage and the data is used to calculate the actual benefit of the new business improvement by comparing the estimated benefit to the actual results. Sellers, et al., teaches a manufacturing system that utilizes a common database and product definition to achieve the integration of multiple systems, such as environmental, health and safety & training. The device of Sellers, et al., also discusses a new product development system to facilitate and automate the process of developing new products. Thus Sellers, et al., is limited to product development in a manufacturing system. Chene, et al., teaches a device and method for entering vehicle maintenance data on a hand held device and sending the data to an onboard computer inside of a vehicle.

The Examiner in stating his rejections cited to Fig. 83, col. 77, lines 54-65, col. 78, line 55 and col. 79, line 13 to support his rejection that Sellers, et al., teaches the feature of calculating the benefit of implementing the business improvement by determining a financial ratio comparing the actual performance to estimated performance information. However, a close reading of the cited sections specifically states that the process includes using the production quantities entered for in-process and end product recoding, then the system calculates the quantity used. Sellers, et al., measures productivity at the beginning of the production and compares this measurement with the productivity at the end of the production. This is significantly different than the claimed invention that compares an estimated performance quantity with the actual performance quantity. To further enhance this feature in the independent

claims, the feature of providing the estimated performance information has been amended to include the information being determined prior to an introduction of the business improvement. Support for this can be found in paragraph [0013] of the specification. In addition, the feature of including actual performance information entered by a vehicle operator has been added. This feature further differentiates the pending claims from Sellers, et al. Sellers, et al., does not teach, mention or even imply this feature.

Claims 1-32 were also rejected under 35 USC §103(a) as being unpatentable over Chene, et al., in view of Carr. The Examiner stated that Chene, et al., teaches a method for measuring a benefit of a business improvement. This is vigorously traversed. Chene, et al., teaches a method of capturing vehicle maintenance data and using this data for maintaining a vehicle. The words "business improvement" are not used in the entire patent. The art taught in Chene, et al., is not analogous with the art contained in the claims. The only similarity is the mention of vehicles. Carr teaches a method and apparatus for auditing the energy-usage by a facility. Like Sellers, et al., Carr compares the actual information at an initial period of time and compares it with the measurements at a later time. As previously stated, the presently claimed invention compares the actual measured information with predicted performance information. The predicted information is determined prior to the introduction of the business improvement. This feature is separate and distinct from the cited prior art either individually or in combination. Therefore, claims 1-32 are allowable.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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By: Richard A. Bachand
Richard A. Bachand, Reg. No. 25,107
(858) 845-8503

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4125
Facsimile: (858) 658-2502